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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,197	06/20/2003	Gerrit Jager	2322.68094	7568

24978 7590 10/25/2004

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EXAMINER
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ROSS, DANA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/600,197

Applicant(s)

JAGER, GERRIT

Examiner

Dana Ross

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004 (Election) and PA 6/20/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, Claims 1-9 and 12-21 drawn to a method of production of a rim, in the reply filed on 23 August 2004 is acknowledged.

Claim 10 is withdrawn from further consideration.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 and 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 6, recites the limitation "the rim well". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 8, recites the limitations "the plane" and "the contact surface". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, lines 10-11 recites the limitations "the plane" and "the contact surface". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 and 15, line 2, recite the limitations "the working head". There is insufficient antecedent basis for this limitation in the claim.

Claims 6 and 15, it is not clear what is being claimed. The "second machining means has an area with a smaller diameter" that what.

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Claims 8, 17 and 18, the phrase "essentially at least partially" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 9, 20 and 21, the phrase "essentially consecutively" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 14, it appears "wherein the end milling cutter is used" should be changed to "wherein the end milling cutter is used".

Claims 19, the phrase "at least partially simultaneously" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 6, 8, 9, 14, 15, 17, 19, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable EP 579525A (hereafter referred to as '525A) in view of U.S. Pat. No. 6,183,047 (Kuhl, hereafter referred to as '047).

'525A teaches a method of machining using two machining means that "can" machine simultaneously (see abstract). Though the Abstract mentions machining the "flanks"

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simultaneously, it can be seen in figure 7a and 7b that '525A also teaches the machining of an inner and outer contour of the rim (fig. 7a and 7b).

An English translation of '525A was not available at the time of examination and the Abstract is silent as to the machining of welds.

'047 teaches it is well known in the art to use a machining process to remove welds on bicycle rims (col. 3, lines 28-31 and lines 48-58, for example).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of machining rims as taught by '047 to include the machining of welds or burrs on rims as taught by '525A for the purpose of cosmetic machining of welds, burrs or other irregularities on the inner and outer contours of the wheel rims (see '047 lines 28-58, for example).

6. Claim 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 579525A (hereafter referred to as '525A) in view of U.S. Pat. No. 6,183,047 (Kuhl, hereafter referred to as '047) in further view of U.S. Pat. No. 3,800,118 (Wefers et al, hereafter referred to as '118).

'525A in view of '047 teaches all aspects of the above claims 1 and 2.

'525A teaches the use of end milling cutters for machining (fig. 7a, 7b).

'525A does not disclose the use of a disk milling cutter as a machining means.

The use of disk milling cutters, interchangeably with end milling cutters, is well known in the machine tool art as is evidenced by '118. '118 teaches a machine tool that uses a disc milling cutter, grooving milling cutter, end mill cutter, or face milling cutter.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the end mill cutter as taught by '525A to include a disk milling cutter as taught by '118 for the purpose of removal of material based on the desired machining operation (see '118, col. 5, lines 6-24, for example).

7. Claim 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 579525A (hereafter referred to as '525A) in view of U.S. Pat. No. 6,183,047 (Kuhl, hereafter referred to as '047) in further view of U.S. Pat. No. 6,158,304 (Packer et al, hereafter referred to as '304).

'525A in view of '047 teaches all aspects of the above claims 1 and 2.

'525A teaches the use of end milling cutters for machining (fig. 7a, 7b).

'525A does not disclose the use of a the milling cutter with carbide or diamond plate

The use of carbide and diamond plates is well known in the art as is taught by '304. '304 teaches it is well known in the art to use carbide or diamond cutting inserts (abstract lines 1-6, for example).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '525A to include the milling cutter as taught by '304 that is made with carbide and diamond plating for having a tool with a cutting edge as hard as possible to cut a workpiece and be heat resistant to maintain the cutting edge of the mill at elevated temperatures (see '304, col. 1, lines 2831, for example).

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***Allowable Subject Matter***

8. Claims 3, 12, 18 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 703-305-7764. The examiner can normally be reached on Mon-Thurs 6:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 703-308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmr

  
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